



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

OCT 23 2014

Mr. Dave Stephens
Chase Corp.
128 First Street
Pittsburgh, PA 15238

**Re: Notice of Violation
Compliance Evaluation Inspection
August 20-21, 2013
EPA ID No. PAD004320537**

Docket Number: R3-15-NOV-RCRA-01

Dear Mr. Weisbrod:

On August 20-21, 2013 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under Commonwealth of Pennsylvania Hazardous Waste Regulations ("PAHWR") and Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at Chase Corp. (the Facility). A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that the Facility is violating regulations promulgated under the PAHWR and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation(s) are:

1. During the inspection the inspector observed an open container containing Toluene/Oil Dri contaminated waste; see photos 19 & 20. Containers storing hazardous waste must be closed "except when necessary to add or remove waste" as required in 25 PA §264a [40 CFR §264.173(a)].
2. During the inspection of the 90 day hazardous waste storage area the inspector observed 16 unmarked boxes containing various sized unmarked lab retains that were being stored as hazardous waste; see page 7 and photo 21. Outside the 90 day HW storage area the inspector observed at least 8 containers not marked with an accumulation date and 2 not marked as HW; see inspection report page 8 and photos 28-31. Each container must be marked with the date that accumulation began and with the words "Hazardous Waste" as required by PA §262a [40 CFR 262.34(a)(2) and (3)].
3. Outside the 90 day HW storage area the inspector observed several containers labeled as HW, however the labels could not be viewed due to their positioning. Each container must be clearly marked with the date that accumulation began and visible for inspection as required by PA §262a [40 CFR 262.34(a)(2)].

4. During the inspector's review of the 2012 and 2103 Hazardous Waste Manifest two forms numbered 009931368 JJK and 009931163 JJK were not signed by the designated facilities. Each manifest had been greater than 45 days from the date the waste was accepted by the transporter. A copy of an exception report was not observed at the time of the inspection which would indicate the EPA Regional Administrator was notified of the efforts to locate the hazardous waste and the results of those efforts as required by 25 PAHWR §265a [40 CFR §262.42(a)(2)].
5. During the inspector's review of the facility Spill Prevention, Control, and Countermeasures - Contingency Plan he discovered that the home address was not provided for the emergency contact information. The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator as required in 25 PAHWR §265a [40 CFR §265.52(d)].

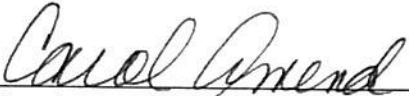
Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

Within fifteen (15) business days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with violation noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103


Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

October 23, 2014
Date

Enclosure

cc: S. Forostiak (3LC70)
R. Bartholomew (PADEP)

